



February 2, 2007

## SENATE BILL No. 147

DIGEST OF SB 147 (Updated January 30, 2007 5:21 pm - DI 106)

**Citations Affected:** IC 33-25; IC 33-33; noncode.

**Synopsis:** Courts and court officers. Establishes the sixth district of the court of appeals of Indiana as of January 1, 2009. Provides that the entire state constitutes the sixth district. Adds a second judge to the Floyd superior court. Allows the judge of the Franklin circuit court to appoint one full-time magistrate. Allows the judges of the Hamilton superior court to jointly appoint a second full-time magistrate. Adds a second judge to the Jackson superior court beginning January 1, 2009 and removes a provision requiring the court to sit at Seymour. (The introduced version of this bill was prepared by the commission on courts.)

**Effective:** July 1, 2007; January 1, 2009.

**Bray, Lawson C**

January 8, 2007, read first time and referred to Committee on Judiciary.  
February 1, 2007, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

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SB 147—LS 6189/DI 69+



February 2, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

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## SENATE BILL No. 147

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 33-25-1-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1. The court of  
3 appeals consists of ~~fifteen (15)~~ **eighteen (18)** judges, who serve for the  
4 hearing and decision of causes in ~~five (5)~~ **six (6)** geographic districts  
5 described in section 2 of this chapter under Article 7, Section 5 of the  
6 Constitution of the State of Indiana.

7 SECTION 2. IC 33-25-1-2 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 2. Indiana is  
9 divided into ~~five (5)~~ **six (6)** geographic districts, which shall be  
10 designated as the "court of appeals - First District; Second District;  
11 Third District; Fourth District; ~~and Fifth District;~~ **and Sixth District**"  
12 as follows:

13 (1) First District: Bartholomew, Boone, Brown, Clark, Clay,  
14 Crawford, Daviess, Dearborn, Decatur, Dubois, Fayette, Floyd,  
15 Fountain, Franklin, Gibson, Greene, Hancock, Harrison,  
16 Hendricks, Henry, Jackson, Jefferson, Jennings, Johnson, Knox,  
17 Lawrence, Martin, Monroe, Montgomery, Morgan, Ohio, Orange,

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Owen, Parke, Perry, Pike, Posey, Putnam, Randolph, Ripley, Rush, Scott, Shelby, Spencer, Sullivan, Switzerland, Union, Vanderburgh, Vermillion, Vigo, Warrick, Washington, and Wayne.

(2) Second District: Adams, Blackford, Carroll, Cass, Clinton, Delaware, Grant, Hamilton, Howard, Huntington, Jay, Madison, Marion, Miami, Tippecanoe, Tipton, Wabash, Wells, and White.

(3) Third District: Allen, Benton, DeKalb, Elkhart, Fulton, Jasper, Kosciusko, LaGrange, Lake, LaPorte, Marshall, Newton, Noble, Porter, Pulaski, St. Joseph, Starke, Steuben, Warren, and Whitley.

(4) The entire state constitutes the Fourth District.

(5) The entire state constitutes the Fifth District.

**(6) The entire state constitutes the Sixth District.**

SECTION 3. IC 33-25-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. (a) Judges of the First, Second, and Third Districts of the court of appeals must have resided in their respective districts before appointment to the court. However, judges of the court of appeals appointed before July 1, 1993, must reside in the district from which they are appointed.

(b) The following requirements apply to judges of the Fourth, ~~and~~ Fifth, **and Sixth** Districts of the court of appeals:

(1) One (1) judge must have resided in the First District before appointment to the court.

(2) One (1) judge must have resided in the Second District before appointment to the court.

(3) One (1) judge must have resided in the Third District before appointment to the court.

(c) When a vacancy is created in the court of appeals, the individual who is appointed by the governor to fill the vacancy must be a resident of the district in which the vacancy occurred.

SECTION 4. IC 33-33-22-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) IC 33-29-1-3 does not apply to this section.

(b) The Floyd superior court has ~~one (1) judge~~; **two (2) judges**, who shall be elected at the general election every six (6) years in Floyd County. ~~The A~~ judge's term begins January 1 following the judge's election and ends December 31 following the election of the judge's successor.

SECTION 5. IC 33-33-24-2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2. The judge of the Franklin circuit court may appoint one (1) full-time magistrate under IC 33-23-5. The**

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1 **magistrate continues in office until removed by the judge.**

2 SECTION 6. IC 33-33-29-6 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. The judges of the  
4 Hamilton superior court may jointly appoint ~~one (1)~~ **two (2)** full-time  
5 ~~magistrate~~ **magistrates** under IC 33-23-5. ~~The A~~ **A** magistrate continues  
6 in office until removed by the judges of the superior court.

7 SECTION 7. IC 33-33-36-3 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. The Jackson superior  
9 court has ~~one (1)~~ **judge two (2) judges.** ~~who shall hold sessions in~~  
10 ~~Seymour.~~

11 SECTION 8. [EFFECTIVE JULY 1, 2007] (a) **Notwithstanding**  
12 **IC 33-33-22-3, as amended by this act, the Floyd superior court is**  
13 **not expanded to two (2) judges until January 1, 2009.**

14 (b) **The initial election of the judge of the Floyd superior court**  
15 **added by IC 33-33-22-3, as amended by this act, is the general**  
16 **election on November 4, 2008. The term of the initially elected**  
17 **judge begins on January 1, 2009.**

18 (c) **This SECTION expires January 2, 2009.**

19 SECTION 9. [EFFECTIVE JULY 1, 2007] (a) **Notwithstanding**  
20 **IC 33-33-36-3, as amended by this act, the Jackson superior court**  
21 **is not expanded to two (2) judges until January 1, 2009.**

22 (b) **The initial election of the judge of the Jackson superior court**  
23 **added by IC 33-33-36-3, as amended by this act, is the general**  
24 **election on November 4, 2008. The term of the initially elected**  
25 **judge begins January 1, 2009.**

26 (c) **This SECTION expires January 2, 2009.**

27 SECTION 10. EFFECTIVE JULY 1, 2007] (a) **The judicial**  
28 **nominating commission shall, in accordance with IC 33-27-3,**  
29 **nominate three (3) candidates for each of the three (3) judgeships**  
30 **for the court of appeals - Sixth District created by IC 33-25-1, as**  
31 **amended by this act. The commission shall submit the nominations**  
32 **to the governor before July 1, 2008.**

33 (b) **The governor shall appoint the three (3) initial judges of the**  
34 **court of appeals - Sixth District from the list of nominees submitted**  
35 **by the judicial nominating commission. The effective date of the**  
36 **appointments is January 1, 2009.**

37 (c) **The Indiana department of administration, with the**  
38 **approval of the chief judge of the court of appeals, shall arrange**  
39 **for facilities for the court of appeals - Sixth District in Indianapolis**  
40 **before January 1, 2009.**

41 (d) **This SECTION expires January 2, 2009.**

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## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 147, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 9, begin a new paragraph and insert:

"SECTION 1. IC 33-25-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1. The court of appeals consists of ~~fifteen (15)~~ **eighteen (18)** judges, who serve for the hearing and decision of causes in ~~five (5)~~ **six (6)** geographic districts described in section 2 of this chapter under Article 7, Section 5 of the Constitution of the State of Indiana.

SECTION 2. IC 33-25-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 2. Indiana is divided into ~~five (5)~~ **six (6)** geographic districts, which shall be designated as the "court of appeals - First District; Second District; Third District; Fourth District; ~~and Fifth District;~~ **and Sixth District**" as follows:

(1) First District: Bartholomew, Boone, Brown, Clark, Clay, Crawford, Daviess, Dearborn, Decatur, Dubois, Fayette, Floyd, Fountain, Franklin, Gibson, Greene, Hancock, Harrison, Hendricks, Henry, Jackson, Jefferson, Jennings, Johnson, Knox, Lawrence, Martin, Monroe, Montgomery, Morgan, Ohio, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Randolph, Ripley, Rush, Scott, Shelby, Spencer, Sullivan, Switzerland, Union, Vanderburgh, Vermillion, Vigo, Warrick, Washington, and Wayne.

(2) Second District: Adams, Blackford, Carroll, Cass, Clinton, Delaware, Grant, Hamilton, Howard, Huntington, Jay, Madison, Marion, Miami, Tippecanoe, Tipton, Wabash, Wells, and White.

(3) Third District: Allen, Benton, DeKalb, Elkhart, Fulton, Jasper, Kosciusko, LaGrange, Lake, LaPorte, Marshall, Newton, Noble, Porter, Pulaski, St. Joseph, Starke, Steuben, Warren, and Whitley.

(4) The entire state constitutes the Fourth District.

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SECTION 3. IC 33-25-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. (a) Judges of the First, Second, and Third Districts of the court of appeals must have resided in their respective districts before appointment to the court. However, judges of the court of appeals appointed before July 1, 1993, must reside in the district from which they are appointed.

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(b) The following requirements apply to judges of the Fourth, ~~and Fifth, and Sixth~~ Districts of the court of appeals:

(1) One (1) judge must have resided in the First District before appointment to the court.

(2) One (1) judge must have resided in the Second District before appointment to the court.

(3) One (1) judge must have resided in the Third District before appointment to the court.

(c) When a vacancy is created in the court of appeals, the individual who is appointed by the governor to fill the vacancy must be a resident of the district in which the vacancy occurred."

SECTION 4. IC 33-33-22-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) IC 33-29-1-3 does not apply to this section.

(b) The Floyd superior court has ~~one (1) judge~~; **two (2) judges**, who shall be elected at the general election every six (6) years in Floyd County. ~~The~~ A judge's term begins January 1 following the judge's election and ends December 31 following the election of the judge's successor."

Page 2, line 5, after "judges" insert ".".

Page 2, line 5, strike "who shall hold sessions in".

Page 2, strike line 6.

Page 2, delete lines 7 through 17, begin a new paragraph, and insert: "SECTION 8. [EFFECTIVE JULY 1, 2007] **(a) Notwithstanding IC 33-33-22-3, as amended by this act, the Floyd superior court is not expanded to two (2) judges until January 1, 2009.**

**(b) The initial election of the judge of the Floyd superior court added by IC 33-33-22-3, as amended by this act, is the general election on November 4, 2008. The term of the initially elected judge begins on January 1, 2009.**

**(c) This SECTION expires January 2, 2009."**

Page 2, delete lines 26 through 33, begin a new paragraph and insert:

"SECTION 10. [EFFECTIVE JULY 1, 2007] **(a) The judicial nominating commission shall, in accordance with IC 33-27-3, nominate three (3) candidates for each of the three (3) judgeships for the court of appeals - Sixth District created by IC 33-25-1, as amended by this act. The commission shall submit the nominations to the governor before July 1, 2008.**

**(b) The governor shall appoint the three (3) initial judges of the court of appeals - Sixth District from the list of nominees submitted by the judicial nominating commission. The effective date of the**

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appointments is January 1, 2009.

(c) The Indiana department of administration, with the approval of the chief judge of the court of appeals, shall arrange for facilities for the court of appeals - Sixth District in Indianapolis before January 1, 2009.

(d) This SECTION expires January 2, 2009."

Renumber all SECTIONS consecutively.

and when so amended that said bill be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 147 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 9, Nays 0.

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